



Costs Decision

Site visit made on 21 March 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Costs application in relation to Appeal Ref: APP/X0360/D/21/3289239 18 Pound Lane, Sonning, Reading, Berkshire RG4 6XE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Sanjeev Bhardwaj for a full award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of planning permission for proposed erection of a two storey rear/side extension with 3 no. Juliet balconies and 1 no. roof light to the rear elevation, erection of a single storey side extension to form orangery with 1 no. roof light, insertion of 2 no. roof lights to the front elevation.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The basis of the appellant's claim for costs is that the Council failed to assess the site, to give appropriate weight to other planning approvals on adjoining sites and mis-representation of the Council's planning policies and the National Planning Policy Framework in its decision to refuse planning permission.
4. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Local Planning Authority were not unreasonable in coming to that decision, and indeed following consideration of the application its merits alone, I have concurred with the Council. The Officer Report sets out an assessment of the indicated harm and how this would conflict with relevant adopted planning policies.
5. The appellant has also expressed concern regarding the lack of communication from the Council during the application process, including the time spent carrying out the site visit. In addition to this, there is concern about the extended length of time taken to make the decision, including the requirement for a bat survey. Whilst this must have caused the appellant some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant.

6. I acknowledge that the appellant has found the refusal to grant permission is upsetting, in part due to the apparent positive conversation between the applicant and the Local Planning Authority during the site visit. Even so, the advice was verbal prior to the Council's formal decision. I therefore have no firm basis to conclude that the informal advice given was so misleading as to amount to unreasonable behaviour on the part of the Council.
7. I sympathise with the applicant's frustrations over the delays in the Council's determination of the planning application, however Planning Practice Guidance states that "*costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding*"¹. The ensuing lack of communication is regrettable nonetheless I also find no substantive evidence that the appellant incurred any additional expense as a result of the delays, which was made on the basis of refusal of permission, and not non-determination.

Conclusion

8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Rebecca Thomas

INSPECTOR

¹ PPG Paragraph 033 Reference ID: 16-033-20140306